

**EXHIBIT “2”**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ANAND DASRATH,

Plaintiff,

- against -

ROSS UNIVERSITY SCHOOL OF MEDICINE,

Defendant.  
-----X

Case No.: CV 07 2433  
(C. Amon)  
(R. Reyes)

AFFIDAVIT OF  
JENNIFER McLAUGHLIN  
IN SUPPORT OF  
DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT


STATE OF NEW YORK)  
SS)  
COUNTY OF NASSAU )

JENNIFER A. McLAUGHLIN, being duly sworn, deposes and says:

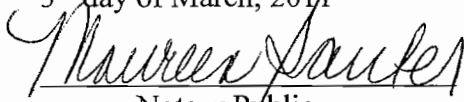
1. I am a member of the firm of Cullen and Dykman LLP, attorneys for defendant Ross University School of Medicine ("Ross University").
2. I submit this affidavit in support of defendant's motion for summary judgment pursuant to Rule 56 for the limited purpose of attaching the following documents:

- Exhibit L: Deposition of Plaintiff Anand Dasrath dated September 30, 2010
- Exhibit M: Deposition of Dr. Nancy Perri, Vice President of Academic Affairs of Ross University dated October 15, 2010
- Exhibit N: Order to Show Cause dated July 25, 2006: Anand Dasrath v. Ross University, Supreme Court, Queens County, Index No: 15989/2006 ("Queens County Action")
- Exhibit O: Order dated January 31, 2007 dismissing Queens County Action with Notice of Entry

Exhibit P: Certificate of Authenticity of Business Records by William C. Kelly, Associate Vice President for Operations of Educational Commission for Foreign Graduates dated November 10, 2010 and documents ECFMG AED 00198-00199.

  
Jennifer A. McLaughlin (JM-5678)

Sworn to before me this  
3<sup>rd</sup> day of March, 2011

  
Notary Public

**MAUREEN SAUTER**  
Notary Public, State of New York  
#01SA3898285  
Qualified in Nassau County  
Commission Expires June 30, 2011

**EXHIBIT “L”**

1  **ORIGINAL**

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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-----X  
ANAND DASRATH,

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PLAINTIFF,

5

-against-

CASE NO. CV-07-2433

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ROSS UNIVERSITY SCHOOL OF MEDICINE,

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DEFENDANT.

8

-----X

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DATE: September 30, 2010

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TIME: 9:55 a.m.

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EXAMINATION BEFORE TRIAL of the

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Plaintiff, ANAND DASRATH, taken by the

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Defendant, pursuant to an Order, held at the

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offices of Cullen & Dkyman, Esqs., 177

16

Montague Street, Brooklyn, New York, before a

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Notary Public of the State of New York.

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AM/PM ATTENDANCE FEE... 90.00  
SHIPPING & HDLG... 9.00  
ORIG. & 2 COPIES & CONDENSED ENCL.  
THANK YOU.

Subtotal	1,335.75
Sales Tax	
Total Invoice Amount	\$1,335.75
Payment/Credit Applied	
TOTAL DUE	\$1,335.75

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A P P E A R A N C E S:

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4

COSTELLO & COSTELLO, ESQS.

Attorneys for Plaintiff

5

5919 20th Avenue

Brooklyn, New York 11204

6

BY: JOSEPH R. COSTELLO, ESQ.

7

8

CULLEN & DYKMAN, ESQS.

Attorneys for the Defendant

9

177 Montague Street

Brooklyn, New York 11201

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BY: JENNIFER McLAUGHLIN, ESQ.

File No. 11001-11

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F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND

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AGREED by and between the counsel for the

7

respective parties hereto, that the filing,

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sealing, and certification of the within

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deposition shall be and the same are hereby

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waived;

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IT IS FURTHER STIPULATED AND

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AGREED that all objections, except as to the

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form of the question, shall be reserved to

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the times of the trial.

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IT IS FURTHER STIPULATED AND

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AGREED that the within deposition may be

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signed before any Notary Public with the same

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force and effect as if signed and sworn to

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before this court.

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\* \* \* \*

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2       A N A N D       D A S R A T H , called as a  
3       witness, having been first duly sworn by a  
4       Notary Public of the State of New York, was  
5       examined and testified as follows:

6       EXAMINATION BY

7       MS. McLAUGHLIN:

8               Q.       Please state your name for the  
9       record.

10              A.       Anand Dasrath.

11              Q.       Where do you reside?

12              A.       89-25 20th Street, Queens  
13       Village, New York 11427.

14              Q.       Good morning, Mr. Dasrath.

15              A.       Good morning.

16              Q.       Nice to finally speak. We met  
17       over the years. My name is Jennifer  
18       McLaughlin, as you know I'm from Cullen &  
19       Dykman. We represent Ross University in a  
20       lawsuit against them.

21                      Have you ever been deposed  
22       before?

23              A.       No.

24              Q.       Just to set some ground rules,  
25       the court reporter cannot record us speaking

1 A. DASRATH

2 at the same time so if you would, let me  
3 finish my question and then you can answer  
4 that will probably be most helpful.

5 I'm going to ask you a series  
6 of questions about the remaining claims in  
7 your lawsuit against the University.

8 If you do not understand my  
9 question, please ask me to repeat it.

10 If at any time you need a  
11 break, please let your lawyer know.

12 The only time you cannot take a  
13 break is if a question is pending.

14 Do you understand all of that?

15 A. Yes.

16 Q. You told us where you currently  
17 live.

18 Are you currently employed?

19 A. Yes.

20 Q. Where are you employed?

21 A. Stonybrook University Medical  
22 Center.

23 Q. What is your position or  
24 title?

25 A. Teaching pharmacist.

1 A. DASRATH

2 Q. How long have you been at that  
3 position?

4 A. Four years.

5 Q. So, you started in 2006?

6 A. Yes.

7 Q. And you continually maintained  
8 that employment since 2006?

9 A. Yes.

10 Q. I'm going to skip back to where  
11 you were born.

12 A. In Guyana.

13 Q. Are you a United States  
14 citizen?

15 A. Yes.

16 Q. When did you come to the United  
17 States?

18 A. 1977.

19 Q. Were you working at that time  
20 or a student?

21 A. I think I came and I studied  
22 here.

23 Q. Where did you study?

24 A. St. John's University.

25 Q. What were you studying at that

1 A. DASRATH

2 time?

3 A. Pharmacy.

4 Q. How many years did you spend at  
5 St. John's University?

6 A. Four years.

7 Q. Did you receive an  
8 undergraduate degree there?

9 A. Yes.

10 Q. Was it a bachelor of arts?

11 A. Bachelor of pharmacy.

12 Q. Bachelor of pharmacy?

13 A. Yes.

14 Q. When did you graduate?

15 A. 1983.

16 Q. At graduation, were you  
17 employed or still taking classes?

18 A. No, I was employed at Kings  
19 County Hospital.

20 Q. And what was your title  
21 there?

22 A. It progressed. The last title  
23 was senior associates pharmacist level C.

24 Q. How long were you at Kings  
25 County Hospital from 1983 to when, if you

1 A. DASRATH

2 recall?

3 A. Maybe 2003. Sometime around  
4 there. I'm not sure. Sometime after the  
5 year 2000.

6 Q. Was it in or around the time  
7 that you were accepted to Ross University?

8 A. No, I went to the New York  
9 Hospital of Cornell Medical Center.

10 Q. What did you do there?

11 A. I was a senior pharmacist  
12 there.

13 Q. Why did you leave Kings County  
14 Hospital?

15 A. It was better pay at New York  
16 Hospital.

17 Q. During the time you were  
18 employed by Kings County Hospital and New  
19 York Hospital, were you taking classes  
20 anywhere?

21 A. Yes.

22 Q. Where was that?

23 A. Long Island University School  
24 of Graduate Pharmacy.

25 Q. Is that a graduate course you

1 A. DASRATH

2 were taking?

3 A. Yes.

4 Q. Did you receive a degree from  
5 Long Island University?

6 A. Yes.

7 Q. What degree?

8 A. I have two degrees.

9 Pharmacology and toxicology.

10 Q. Approximately, what years did  
11 you attend Long Island University?

12 A. It must be late '80s and I  
13 think I graduated in 1990.

14 Q. 1990?

15 A. Yeah.

16 Q. Did you have any further  
17 education after Long Island University?

18 A. Yes. I did York College City  
19 University.

20 Q. What years did you attend York  
21 College City University?

22 A. Sometime I think in the late  
23 '90s. I'm not sure of the year.

24 Q. Did you receive a degree from  
25 York College?

1 A. DASRATH

2 A. Yes.

3 Q. What degree was that?

4 A. Chemistry.

5 Q. Was it a masters?

6 A. No, that was a bachelor of  
7 science.

8 Q. So, you have a bachelor's of  
9 science and a masters, I guess in  
10 pharmacology and toxicology?

11 A. A double masters.

12 Q. And your undergraduate degree  
13 is from St. John's University?

14 A. Yes.

15 Q. You worked at New York Hospital  
16 until approximately 2003, you said?

17 A. 2004.

18 Q. What was the reason for you  
19 leaving your employment at New York  
20 Hospital?

21 A. I went to Ross University  
22 School of Medicine.

23 Q. The schools that you attended  
24 that we just discussed, were you ever put on  
25 academic probation for any reason?

1 A. DASRATH

2 A. No.

3 Q. Were you ever suspended?

4 A. No.

5 Q. One other rule, you have to  
6 speak your answers. Otherwise he won't know  
7 what you are saying. Hand gestures and nods  
8 are not helpful, but it is common that people  
9 do that.

10 A. Okay.

11 Q. Were you ever withdrawn from  
12 any of those schools that we just discussed?

13 A. No.

14 Q. So, there came a time I  
15 presumed that you applied to Ross  
16 University?

17 A. Yes.

18 Q. What was your goal in applying  
19 to Ross University? What were you looking to  
20 become?

21 A. A medical doctor.

22 Q. When did you apply to Ross?

23 A. I believe it was 2003.

24 Q. Do you know if it was the  
25 spring or the fall?



1 A. DASRATH

2 A. To the best of my recollection,  
3 I think it was spring.

4 Q. At some point you had to  
5 submit, I assume documents to Ross for your  
6 admissions?

7 A. Yes.

8 Q. What was involved in that, if  
9 you can remember?

10 A. An application form and a  
11 college transcript.

12 Q. Were there any other documents  
13 that you forwarded to Ross in connection with  
14 your application?

15 A. I don't recall any. It could  
16 be more, but I just don't recall.

17 Q. That's fine. Did you have any  
18 conversations with anyone at Ross in or  
19 around the time that you were applying  
20 there?

21 A. I don't recall it right now.

22 Q. Were you applying to other  
23 schools or only Ross?

24 A. Only Ross.

25 Q. Why did you choose Ross?

1 A. DASRATH

2 A. I just saw an advertisement and  
3 card and there was a poster with card and I  
4 filled out the card and sent it in, dropped  
5 it in the mailbox.

6 Q. After submitting your  
7 application, was there a time that you  
8 received an acceptance letter?

9 A. Yes.

10 Q. Do you recall when that was?

11 A. I don't recall specifically,  
12 but I would suspect sometime in the spring  
13 2003. I don't recall the date.

14 MS. McLAUGHLIN: We will mark  
15 this document as an exhibit.

16 (Whereupon, the aforementioned  
17 document was marked as Defendant's  
18 Exhibit A for identification, as of  
19 this date, by the Reporter.)

20 Q. I'm going to ask you to take  
21 take look at this exhibit that has been  
22 marked as Defendant's Exhibit A.

23 It is dated April 17th, 2003  
24 and it is on Ross University letterhead.

25 A. Yes.

1 A. DASRATH

2 Q. Would you mind reviewing that  
3 document.

4 A. Yes, I reviewed it.

5 Q. Do you recall seeing that  
6 document before today?

7 A. Yes.

8 Q. Do you recall seeing it in or  
9 around April of 2003?

10 A. Yes.

11 Q. Was this the acceptance letter  
12 that you received from Ross?

13 A. Yes.

14 Q. Did you attend courses at Ross  
15 starting in May 2003?

16 A. No.

17 Q. Why not?

18 A. There was a death in the family  
19 and my starting school was delayed.

20 Q. When was it delayed to?

21 A. May 2004.

22 Q. Did you make a request to the  
23 school to delay the start date?

24 A. Yes.

25 Q. Was that request in writing, if

1 A. DASRATH

2 you recall?

3 A. Yes.

4 Q. Were there more than one  
5 request to delay your start date?

6 A. I don't recall.

7 Q. Did you officially start in May  
8 of 2004?

9 A. Yes.

10 Q. In May 2004, you were enrolled  
11 at Ross University; is that correct?

12 A. Yes.

13 Q. Where were you taking  
14 classes?

15 A. At Ross University, School of  
16 Medicine in Dominica.

17 Q. Did you move to Dominica at  
18 that point in May of 2004?

19 A. Yes.

20 Q. Were you housed in student  
21 housing or somewhere else?

22 A. Student housing.

23 Q. In May of 2004, do you recall  
24 what curriculum you were enrolled in?

25 A. The medical school program.

1 A. DASRATH

2 Q. Was it the basic science at  
3 that point?

4 A. Yes.

5 Q. What does the basic science  
6 entail, if you recall?

7 A. I didn't hear your question.

8 Q. What does the basic science  
9 segment portion of the curriculum entail?

10 A. It entails the theorhetical  
11 part of medicine.

12 Q. So, you were required to take  
13 courses concerning theory?

14 A. Yes.

15 Q. How many credits were you  
16 required to take in your first semester, if  
17 you recall?

18 A. About fifteen credits.

19 Q. And how many semesters did the  
20 basic science segments portion of your  
21 curriculum last?

22 A. Four.

23 Q. During that time I presume you  
24 took certain courses, let's start with the  
25 first semester.

1 A. DASRATH

2 Do you recall what courses you  
3 took?

4 A. Yes. One of them was  
5 biochemistry. I think it is referred to as  
6 medical biochemistry. One is medical  
7 genetics. One is histology, I think it is  
8 called cryo anatomy or mental development  
9 anatomy.

10 You will be better off calling  
11 it medical histology. And one was patient  
12 doctrine society.

13 Q. And those classes, was that the  
14 last class that you recall taking?

15 A. Yes.

16 Q. Those classes started in the  
17 semester starting May 2004?

18 A. Yes.

19 Q. How long was that semester?

20 A. I think it runs to the  
21 beginning of August.

22 Q. And at some point I presume you  
23 took and received, I'm sorry, you took exams  
24 in these courses; is that correct?

25 A. Yes.

1 A. DASRATH

2 Q. Did you ever have any issues  
3 concerning your grades on those exams in the  
4 first semester?

5 A. Yes.

6 Q. Do you recall what those issues  
7 were?

8 A. At the end of the semester I  
9 was issued a final grade in genetics as a B  
10 plus.

11 Q. What was the problem with that  
12 grade?

13 A. When I went back to the  
14 Dominica campus, they took away the B plus  
15 and give me an F.

16 Q. So, you were issued a final  
17 grade in genetics of B plus.

18 How were you issued that grade?

19 A. In the transcript.

20 Q. So, you have a grade reflecting  
21 a B plus in genetics?

22 A. Yes.

23 Q. Do you have a copy of that  
24 transcript?

25 A. Yes.

1 A. DASRATH

2 MS. McLAUGHLIN: I haven't  
3 already requested it, I'm not sure if I  
4 have, but I request for the record a  
5 copy of that transcript.

6 A. I have supplied it to you.

7 Q. I might have it here. If we  
8 haven't received it --

9 MR. COSTELLO: Okay.

10 Q. You said when you returned to  
11 the Dominica campus, it was changed to an  
12 F.

13 Can you explain the  
14 circumstances of the changed grade?

15 A. No particular explanation, they  
16 just took it away.

17 Q. And how was it taken away?

18 A. It was removed from the  
19 transcript.

20 Q. When did you receive the  
21 transcript reflecting a B plus and let me see  
22 if I have it?

23 A. At the end of the semester. I  
24 believe it was early August.

25 MS. McLAUGHLIN: Can you mark



1 A. DASRATH

2 this, please.

3 (Whereupon, the aforementioned  
4 copy of transcript was marked as  
5 Defendant's Exhibit B for  
6 identification, as of this date, by the  
7 Reporter.)

8 Q. I'm going to ask you to take a  
9 look at what has been marked as Defendant's  
10 Exhibit B. It is on Ross University  
11 letterhead and it is dated July 12th, 2006.

12 Have you ever seen this  
13 document before?

14 A. Yes.

15 Q. What is this document?

16 A. It's a transcript of the  
17 grades, I scored from my first semester in  
18 Ross University Medical School.

19 Q. Is this a transcript that you  
20 would regularly receive when your grades were  
21 in?

22 A. Yes.

23 Q. How did you receive this  
24 transcript, if you recall?

25 A. I believe by mail.

1 A. DASRATH

2 Q. On this transcript list, the  
3 courses that we just discussed earlier that  
4 you took in that semester; is that correct?

5 A. Yes.

6 Q. Can you, I guess, refer to me,  
7 or explain to me which grade which you allege  
8 was changed?

9 A. Genetics grade.

10 Q. So, it is genetics letter  
11 grade, if I'm correct, it says B plus; am I  
12 correct?

13 A. Yes.

14 Q. What is the item above the  
15 genetic adjusted grade sixty, what does that  
16 mean?

17 A. That is their scores that they  
18 give out.

19 Q. That's related to a certain  
20 exam or an average?

21 A. I don't know how they come up  
22 with their numbers, but we follow with  
23 different grades received.

24 MR. COSTELLO: This sounds like  
25 this would be something left for Ross

1 A. DASRATH

2 as far as the grade policy.

3 MS. McLAUGHLIN: I'm just  
4 asking to his knowledge if he received  
5 a sixty in some other portion of the  
6 class, whether it be an exam or some  
7 sort of average of test scores.

8 A. I don't know where this came  
9 from.

10 Q. Underneath that it says the  
11 grades on this page are unofficial and for  
12 reference only.

13 At any time did you receive an  
14 official transcript of your grades?

15 A. Yes, I received another  
16 transcript stating that I failed the genetics  
17 course.

18 Q. And do you have a copy of that  
19 transcript?

20 MR. COSTELLO: With him  
21 today?

22 MS. McLAUGHLIN: At home,  
23 anywhere.

24 Q. Do you maintain a copy of that  
25 transcript?

1 A. DASRATH

2 A. I will look around if you  
3 want.

4 Q. That is great.

5 MS. McLAUGHLIN: I will put a  
6 request on the record and I will  
7 follow-up in writing.

8 MR. COSTELLO: I was going to  
9 ask if you don't mind following up.  
10 Thank you.

11 Q. You said you believe on that  
12 official transcript this grade was then shown  
13 as an F; is that correct?

14 A. Yes.

15 Q. And the other grades, were they  
16 the same as reflected on this unofficial  
17 report?

18 A. Yes.

19 Q. Did you have a discussion with  
20 anyone concerning the alleged change from B  
21 plus to F in the genetics course?

22 A. I tried, but nobody would  
23 listen.

24 Q. Who did you try to speak  
25 with?

1 A. DASRATH

2 A. I tried to speak with the  
3 assistant dean that was there. Dr.  
4 Houghton.

5 Q. How do you spell that?

6 A. I think it is spelled  
7 H-O-U-G-H-T-O-N.

8 Q. How did you speak to him?

9 A. I went to her.

10 Q. I'm sorry.

11 A. I went to her office.

12 Q. When was that?

13 A. That would either be late  
14 August of 2004 or early September. That was  
15 the beginning of my second semester.

16 Q. Just to go back. This is an  
17 unofficial transcript that you said you were  
18 probably provided by them.

19 How long between the unofficial  
20 transcript and the official transcript did  
21 you generally receive them from Ross?

22 A. Within a week, two weeks.

23 Q. So, at some point you were sent  
24 an unofficial transcript and then they  
25 followed up with an official transcript, is

1 A. DASRATH

2 that how it works?

3 A. I don't recall exactly, but  
4 there comes a time where you receive another  
5 transcript.

6 Q. When you went to Ms. Houghton's  
7 office was she there, did you have a  
8 discussion with her?

9 A. She wouldn't listen. They  
10 don't listen.

11 Q. What did you say to her?

12 A. I showed her this transcript, I  
13 showed her the second transcript, but they  
14 just laugh in your face.

15 Q. Did she laugh in your face at  
16 that time?

17 A. Yes.

18 Q. Did she say anything else  
19 besides laughter?

20 A. She said nothing she can do  
21 about it.

22 Q. Did you speak to anyone else  
23 about the genetics grade change from B plus  
24 to F?

25 A. Yes, I spoke to the person in

1 A. DASRATH

2 charge of the genetics department.

3 Q. And who is that?

4 A. I don't remember his name right  
5 now, but if I remember I'll tell you.

6 Q. And is he also located at  
7 Dominica?

8 A. Yes.

9 Q. What did you speak to him  
10 about?

11 A. I told him they changed my  
12 grade.

13 Q. And what was his response?

14 A. He looked at this transcript  
15 and the next transcript and said he didn't  
16 assign an F.

17 Q. Who was your professor in that  
18 class?

19 A. I'm trying to remember his  
20 name. I don't remember his name right now.

21 Q. Did you ever speak to that  
22 professor about your grade?

23 A. Of course.

24 Q. And that wasn't Ms. Houghton or  
25 this gentleman that you referred to; is that

1 A. DASRATH

2 correct?

3 A. That is the gentleman.

4 Q. That is the gentleman?

5 A. Yes.

6 Q. He said he did not assign an

7 F.

8 Was that the end of the  
9 conversation or did he say anything else?

10 A. That is as much as I remember  
11 right now. More has probably been said, but  
12 specifically stated he did not give me an F  
13 in the genetics course.

14 Q. Was there any written  
15 communication besides your conversations that  
16 you spoke of at Ross concerning this grade?  
17 Either an e-mail or a letter?

18 A. I don't recall.

19 Q. After you spoke to the  
20 professor, did you speak to anyone else  
21 besides Ms. Houghton who we already talked  
22 about?

23 A. I tried to speak to other  
24 people, but nobody would listen.

25 Q. Who were the other people that



1 A. DASRATH

2 you tried to speak to?

3 A. Dr. Grill.

4 Q. Who is Dr. Grill?

5 A. Dr. Grill at the time was one  
6 of the assistant deans.

7 Q. Did you speak to him in person  
8 or over the phone?

9 A. In person.

10 Q. What did you say to him?

11 A. I told him to change my grade  
12 from a B plus to an F.

13 Q. And what was his response?

14 A. He said he can't do anything  
15 either.

16 Q. Was that the end of your  
17 conversation or was there more discussed?

18 A. I also went to the head of the  
19 biochemistry department.

20 Q. Who was that?

21 A. Dr. Meisenberg.

22 Q. Was this considered a  
23 biochemistry course the genetics class?

24 A. It comes under the biochemistry  
25 department.

1 A. DASRATH

2 Q. What did Dr. Meisenberg say to  
3 you?

4 A. He said I was very sorry and we  
5 proceeded walking to the examination center  
6 of Ross University.

7 Q. What is the examination  
8 center?

9 A. That is where the exams are  
10 prepared, that is where they are marked,  
11 graded. That is where the transcript sheets  
12 are kept.

13 Q. What did you do at the  
14 examination center with Dr. Meisenberg?

15 A. I went to speak with Dr.  
16 Desalu, the person in charge with the  
17 examination center.

18 Q. What did you say to Dr. Desalu?

19 A. Dr. Meisenberg started speaking  
20 to him that there seems to be a problem with  
21 my grade. He told Dr. Meisenberg that he  
22 doesn't follow their procedures.

23 Q. Does Dr. Desalu, to your  
24 knowledge, grade the examinations?

25 A. I don't know who grades their

1 A. DASRATH

2 exams, but I believe the transcript sheets  
3 are taken to that office.

4 Q. This genetics course that you  
5 took, I don't know how medical school works  
6 so I don't know how many exams are typically  
7 given in a course.

8 Is there a mid-term and a final  
9 or is there more than that?

10 A. Sometimes there are more.

11 Q. In this course, do you recall  
12 how many exams there were?

13 A. I don't recall how many exams  
14 specifically.

15 Q. Was it more than two?

16 A. I don't think more than two.

17 Q. Is there a final exam?

18 A. Usually there is a mid-term and  
19 a final.

20 Q. Do you recall for this class if  
21 there was a final exam?

22 A. Yes, there was a final exam.

23 Q. And do you recall what your  
24 score was or grade was on that final exam?

25 A. We don't know our scores or

1 A. DASRATH

2 grade.

3 Q. When you were in the  
4 examination center with Dr. Meisenberg and  
5 Dr. Desalu, did you go over your grade or  
6 scores in that class?

7 A. No.

8 Q. After he said he did not follow  
9 their procedure, what did Dr. Meisenberg  
10 say?

11 A. He seemed a little bit  
12 astonished. I don't recall what he said.

13 Q. Was that the end of the  
14 conversation or was there more discussed?

15 A. Dr. Desalu told us to go away.

16 Q. Do you know what percentage of  
17 your genetic grade consisted of the final  
18 exam?

19 A. I don't recall at this time.

20 Q. At any time were you able to  
21 review your grade or your scores on the exams  
22 in that course?

23 A. No, I was never able to.

24 Q. Was there ever a clinical  
25 portion of that class or it was all written

1 A. DASRATH

2 exams?

3 A. All written exams. Multiple  
4 choice.

5 Q. So, your grade in that class  
6 was based solely on multiple choice exams  
7 that you were given?

8 A. Yes.

9 Q. After your meeting with Dr.  
10 Desalu and Dr. Meisenberg, what happened  
11 next?

12 A. I had to repeat the course.

13 Q. How did you find out that you  
14 had to repeat the course?

15 A. I probably spoke to somebody.  
16 I don't recall exactly, but I had to repeat  
17 it.

18 Q. Was that the general procedure  
19 when you failed a class at Ross to repeat the  
20 course?

21 A. Yes.

22 Q. When did the course end  
23 again? Was that August of 2004?

24 A. Yes.

25 Q. When did you repeat that

1 A. DASRATH

2 course?

3 A. In September, the fall of  
4 2004.

5 Q. Other than the conversations we  
6 discussed with the various doctors at the  
7 University, did you ever file a grievance or  
8 any other complaint concerning the grade in  
9 the genetics course in your first semester?

10 A. To my knowledge, they don't  
11 listen to any grievance.

12 Q. But, did you file one?

13 A. There is no way of filing a  
14 grievance.

15 Q. Did you discuss a grievance  
16 with anyone other than the people we  
17 discussed?

18 A. These are the people that I'm  
19 supposed to discuss.

20 Q. After your conversations with  
21 Dr. Desalu, were there any more conversations  
22 about your failing grade that you recall with  
23 anybody else?

24 A. I don't recall.

25 Q. Did you retake the course in

1 A. DASRATH

2 the fall of 2004 and pass the course?

3 A. Yes.

4 Q. Who was your professor, was it  
5 the same professor?

6 A. The same professor.

7 Q. You don't remember his name; is  
8 that right?

9 A. I don't remember his name.

10 Q. When did that semester end?

11 A. In December of 2004.

12 Q. What other classes were you  
13 taking during the fall of 2004 semester? Is  
14 that semester number two?

15 A. Yes.

16 Q. What other classes were you  
17 taking?

18 A. I took histology and  
19 doctor-patient society.

20 Q. Only two classes besides the  
21 genetics class?

22 A. Yes.

23 Q. Did you have any concerns about  
24 your grades in those courses?

25 A. No.

1 A. DASRATH

2 Q. Did you pass those classes?

3 A. Yes.

4 Q. You said you passed the  
5 genetics class as well?

6 A. Yes.

7 Q. So, that semester ended in  
8 December of 2004?

9 A. Yes.

10 Q. Was there a break between  
11 semesters?

12 A. A very short break. Maybe a  
13 week, two weeks.

14 Q. When do you start semester  
15 number three?

16 A. In January of 2005.

17 Q. So, other than the issue  
18 concerning your genetics grade, were there  
19 any other issues concerning the grade for the  
20 first two semesters?

21 A. Not that I recall.

22 Q. Did you have any other issues  
23 in general with Ross University during the  
24 first two semesters?

25 A. Not that I recall.



1 A. DASRATH

2 Q. So, you start January 2005  
3 third semester; is that correct?

4 A. Yes.

5 Q. And you are still in the basic  
6 science segment of the curriculum?

7 A. Yes.

8 Q. So, these are all theory  
9 courses?

10 A. Yes.

11 Q. What courses are you taking in  
12 January of 2005?

13 A. Neuro science, gross anatomy  
14 and physiology.

15 Q. That semester starting in  
16 January of 2005, do you recall when it  
17 concluded?

18 A. I believe in April of 2005.  
19 Maybe late April.

20 Q. Did you pass the classes neuro  
21 science, gross anatomy and physiology?

22 A. Yes.

23 Q. Did you have any issues  
24 concerning your grades in those classes?

25 A. Yes.

1 A. DASRATH

2 Q. What issues did you have?

3 A. In the gross anatomy, my grade  
4 wasn't calculated properly. It turned out to  
5 be a letter grade lower than the calculated  
6 grade.

7 Q. How did you come to learn that  
8 your letter grade was not calculated  
9 properly, and it was in gross anatomy; is  
10 that correct?

11 A. Yes.

12 Q. How did you come to learn that  
13 it was not calculated properly?

14 A. I spoke to Dr. Martin, the head  
15 of the gross anatomy department.

16 Q. What was your grade?

17 A. C.

18 Q. How did you receive that grade?

19 A. By a transcript mailed to me.

20 Q. Do you remember when you  
21 received that transcript?

22 A. I believe in late April. Late  
23 April or May.

24 Q. Do you have a copy of that  
25 transcript that you received in late April?

1 A. DASRATH

2 A. I'm pretty much sure I have it  
3 somewhere. I might not have it right now on  
4 me.

5 MS. McLAUGHLIN: We will put a  
6 request on the record and follow it up  
7 in writing.

8 Q. I just want to go back. I'm  
9 sorry for jumping around. I know Defendant's  
10 Exhibit B, this is the unofficial  
11 transcript. It is dated July 2006, but it  
12 refers to the 2004 semester.

13 Were you mailed this for the  
14 first time in July of 2006?

15 A. I was definitely not mailed in  
16 July 2006. This may have been a second  
17 copy.

18 Q. Did you request another copy of  
19 it in July of 2006?

20 A. I don't recall.

21 Q. So, we don't know that this is  
22 what you received back in 2004?

23 A. It's exactly this, except for  
24 that date.

25 Q. Except for that date?

1 A. DASRATH

2 A. Yes.

3 Q. So, you received a transcript  
4 and you saw that your gross anatomy grade was  
5 C?

6 A. Yes.

7 Q. Who did you discuss your grade  
8 with?

9 A. Dr. Martin.

10 Q. Dr. Martin?

11 A. Yes.

12 Q. And what did you say to him?

13 A. I told him my grade was not  
14 correct.

15 Q. Why did you believe it wasn't  
16 correct?

17 A. Because I knew how the points  
18 were allocated and it didn't amount to what  
19 the B was -- what the C was supposed to be.

20 Q. How were the points allocated  
21 in the gross anatomy course?

22 A. I don't recall it right now.

23 Q. Are you graded on a point  
24 system? When you say points were allocated,  
25 was there some sort of point system?

1 A. DASRATH

2 A. Percentage based on tests.

3 Q. Do you remember how many tests  
4 you took in the gross anatomy course?

5 A. I don't remember how many  
6 tests.

7 Q. Was there a final exam?

8 A. Yes.

9 Q. How much is the final exam  
10 worth as far as percentage?

11 A. I do not recall now.

12 Q. Do you recall what any of your  
13 exam scores were in the gross anatomy class?

14 A. I recall one in particular.

15 Q. And what was that score?

16 A. That score was one hundred  
17 percent.

18 Q. And what was that score on?

19 A. That score was on problem ased  
20 learning.

21 Q. Is that an exam?

22 A. It has oral tests like exam,  
23 but it's actually, you gather around the  
24 table, a small group gathering where at the  
25 end of class a professor allocates a

1 A. DASRATH

2 percentage score.

3 Q. So, you received one hundred  
4 percent on the problem based learning aspect  
5 of the course?

6 A. Yes.

7 Q. Do you recall what any of your  
8 scores were on any exams administered in the  
9 gross anatomy course?

10 A. No, not the other parts of the  
11 course. I don't recall other parts.

12 Q. At the time, did you know your  
13 scores?

14 A. At the time, yes, I knew my  
15 scores.

16 Q. So, you didn't believe that  
17 your scores coupled with this score in the  
18 problem based learning portion of the exam  
19 should have been reflected as a C?

20 A. That's correct.

21 Q. What did you believe it should  
22 have been reflected as?

23 A. A B.

24 Q. What did Dr. Martin do or say  
25 about that?

1 A. DASRATH

2 A. We discussed it and in the end  
3 he told me to get the F off.

4 Q. You are saying that he used the  
5 four letter word?

6 A. Yes.

7 Q. And that was the end of your  
8 conversation?

9 A. With Dr. Martin.

10 Q. Did you speak with anyone else  
11 concerning your grade in the gross anatomy  
12 course?

13 A. Yes.

14 Q. Who else?

15 A. Dr. Marvin Reviere.

16 Q. Who is Dr. Reviere?

17 A. He is the professor that  
18 conducted the problem based learning segment  
19 of the gross anatomy course.

20 Q. Did you have an oral  
21 conversation with him or written?

22 A. Oral conversation with Dr.  
23 Reviere.

24 Q. In person or on the phone?

25 A. In person, in his office.

1 A. DASRATH

2 Q. What did you say to him?

3 A. I told him my gross anatomy  
4 grade was a C and I told him that Dr. Martin  
5 refused to incorporate the points he gave me,  
6 one hundred percent in his portion into the  
7 calculation.

8 Q. So, you believed that the one  
9 hundred percent was not even reflected in the  
10 C grade?

11 A. It wasn't added.

12 Q. How do now that?

13 A. Dr. Martin told me that.

14 Q. Did he tell you that in that  
15 conversation we just discussed?

16 A. Yes.

17 Q. Did he tell you anything else  
18 in that conversation?

19 A. Yes.

20 Q. What else?

21 A. He told me he didn't believe I  
22 scored a hundred percent.

23 Q. Is Dr. Martin in charge of  
24 compiling the grade for that course?

25 A. Yes.



1 A. DASRATH

2 Q. And how did you know you  
3 received one hundred percent on that  
4 portion?

5 A. Dr. Reviere told me.

6 Q. Do you have a copy of that  
7 score?

8 A. He showed me his grade book.

9 Q. But, were you given anything  
10 prior to that time showing that you received  
11 one hundred percent in that portion of the  
12 class?

13 A. No.

14 Q. So, how did you know before  
15 seeing Dr. Martin that you received one  
16 hundred percent on that portion?

17 A. He told us at the end, the last  
18 day of that meeting.

19 Q. The last day of?

20 A. That meeting, the PBL, the  
21 problem based learning meeting.

22 Q. He told all the students or  
23 just you?

24 A. All the students. Each  
25 individual student.

1 A. DASRATH

2 Q. And you don't know what  
3 percentage the one hundred percent counted  
4 toward your final grade?

5 A. Yes, I do know.

6 Q. What was it?

7 A. That was five percent.

8 Q. You don't recall your grades on  
9 any exams in that class; is that correct?

10 A. I don't recall other grades,  
11 but this one in particular I recall.

12 Q. And Dr. Reviere, after showing  
13 you the score in the grade books, did you  
14 have any further conversation with him about  
15 your grades?

16 A. He told me personal things  
17 like, I should not try to complain or, you  
18 know, not to, they call it don't rock the  
19 boat or they abuse the students more.

20 Q. What did you say to him after  
21 he explained that to you?

22 A. I don't recall any other  
23 details.

24 Q. Did you have any further  
25 conversations about this grade with anybody

1 A. DASRATH

2 else?

3 A. I don't recall.

4 Q. Did you file any formal letter  
5 or grievance with the school concerning this  
6 grade?

7 A. Yes.

8 Q. What was that filing that you  
9 made?

10 A. I filed a complaint with my  
11 student advisor.

12 Q. Who is your student advisor?

13 A. Anthony Almeida.

14 Q. What is a student advisor, is  
15 that a faculty member?

16 A. A faculty member.

17 Q. Was he your student advisor  
18 from the beginning of your education at  
19 Ross?

20 A. Yes.

21 Q. So, it doesn't rotate, it's the  
22 same person throughout your career there?

23 A. I don't recall knowing that he  
24 was my student advisor in the beginning.

25 But, after this problem again, after the

1 A. DASRATH

2 grade I asked around and people directed me  
3 to him.

4 MR. COSTELLO: It would be fair  
5 to say he was a student advisor from  
6 the time he was there because he didn't  
7 complete the studies at Ross.

8 Q. Right, from the time you were  
9 there I meant to say, during your education  
10 at Ross, was he your student advisor?

11 You didn't know him at the  
12 beginning, I think you are saying and some  
13 point you found out about him?

14 A. Yes.

15 Q. And when you found out about  
16 him, you contacted him concerning the gross  
17 anatomy grade?

18 A. Yes.

19 Q. What did you say to him?

20 A. I spoke to him in person while  
21 he was there and we also had e-mail. We sent  
22 e-mails to each other.

23 MS. McLAUGHLIN: I'm going to  
24 mark two documents.

25 (Whereupon, the aforementioned

1 A. DASRATH

2 two e-mails were marked as Defendant's  
3 Exhibits C and D for identification, as  
4 of this date, by the Reporter.)

5 Q. We have just marked Defendant's  
6 Exhibits C and D which appears to be two  
7 e-mails. Exhibit C is dated June 27th,  
8 2005. The second Exhibit D is dated July  
9 11th, 2005.

10 I'm going to ask you to take a  
11 look at Exhibits C and D. Those are the two  
12 marked exhibits.

13 A. Yes, I read the two exhibits.

14 Q. Do you recall seeing these  
15 documents before today?

16 A. Yes.

17 Q. Do you know when you first saw  
18 them?

19 A. In 2005.

20 Q. You discussed having e-mail  
21 exchanges with Dr. Almeida?

22 A. Yes.

23 Q. Are these the e-mail exchanges  
24 that you are referring to?

25 A. Yes.

1 A. DASRATH

2 Q. Do you recall if there were any  
3 other e-mail exchanges that you had with him?

4 A. I don't recall any other  
5 ones.

6 Q. Are these the only records that  
7 you have of e-mail exchanges with Dr.  
8 Almeida?

9 A. To my knowledge, yes.

10 Q. Prior to the e-mail exchange  
11 you had a conversation with Dr. Almeida about  
12 your gross anatomy grades?

13 A. Yes.

14 Q. What did you say to him?

15 A. I told him that Dr. Martin  
16 wasn't incorporating the one hundred percent  
17 I scored in the problem based learning part  
18 of the anatomy course.

19 Q. What did he say to you in  
20 response?

21 A. He said he will try to  
22 accomplish that.

23 Q. The first e-mail marked Exhibit  
24 C, appears to state from Dr. Almeida, Dear  
25 Mr. Dasrath, I tried to contact Deans

1 A. DASRATH

2 Houghton and White a number of times and  
3 didn't succeed. We spoke about Dean  
4 Houghton.

5 Who is Dean White?

6 A. She is also, at the time she  
7 was also an assistant dean of Ross University  
8 School of Medicine.

9 Q. Had you had a conversation with  
10 her prior to discussing this with Dr.  
11 Almeida?

12 A. They didn't speak to me. They  
13 would usually ask what are you here for. I  
14 would tell them I'm here to discuss a problem  
15 and they would say go away.

16 Q. So, you did approach Dr. White  
17 concerning your grade in gross anatomy?

18 A. With no useful conversation.  
19 They lead you to the door and they ask you to  
20 leave. You knock on the door and they ask  
21 you to leave.

22 Q. You had no conversation, but  
23 you did approach her door?

24 A. Yes.

25 Q. Do you know if Dr. Almeida was

1 A. DASRATH

2 ever successful in discussing your grade with  
3 Deans Houghton and White?

4 A. According to these exhibits he  
5 tried and failed.

6 Q. The next exhibit which is  
7 marked Exhibit D, the July 2005 e-mail, talks  
8 about results of your mini two exam.

9 What was that?

10 A. I think that is like a  
11 mid-term.

12 Q. What class was that in?

13 A. That must have been the other  
14 classes that I was doing at the time in  
15 Ross.

16 Q. So, the gross anatomy course  
17 ended in April of 2005 and you started the  
18 May semester presumably right after that?

19 A. Yes.

20 Q. And you were taken other exams  
21 during the summer -- I'm sorry, other  
22 courses during the summer?

23 A. Yes.

24 Q. Was that semester four or some  
25 other semester, a makeup course?



1 A. DASRATH

2 A. No, that is the regular  
3 semester.

4 Q. Do you recall what courses you  
5 were taking during the summer?

6 A. Yes. I think I was taking  
7 pathology one, pharmacology one and  
8 microbiology and immunology.

9 Q. Were you taking pathology  
10 also?

11 A. Pathology one.

12 Q. Were you taking behavioral  
13 science?

14 A. Yes.

15 Q. And the mini two exam had to do  
16 with the courses you were taking in semester  
17 four?

18 A. Yes.

19 Q. He also refers to Dr. Houghton  
20 regarding your incorrect grade in anatomy.  
21 If a student's grades changes upward by a  
22 letter from a B to an A then the change will  
23 be made, but not otherwise.

24 This because in this way the  
25 final report will not carry any penalties so

1 A. DASRATH

2 changing it will not serve any purposes.

3 Was your grade changed in that  
4 course?

5 A. No.

6 Q. Did you understand what Mr.  
7 Almeida was explaining in this e-mail?

8 A. Yes. He was trying to tell me  
9 to stay quiet so I won't be penalized any  
10 more.

11 Q. How would they penalize you  
12 more?

13 A. They might reduce the grade  
14 more or fail me.

15 Q. Did you see him after receiving  
16 this e-mail?

17 A. Yes.

18 Q. And what did you discuss during  
19 that e-mail?

20 A. He told me just stay quiet.  
21 You are an old student here. They could get  
22 rid of you any time.

23 Q. So, your grade in the gross  
24 anatomy course remained a C as far as you  
25 know?

1 A. DASRATH

2 A. Yes.

3 Q. Did you have any other  
4 discussion besides doctor -- besides with  
5 Dr. Almeida on the gross anatomy grade?

6 Was there anyone else that we  
7 have forgotten?

8 A. I don't recall.

9 Q. During the time you were  
10 discussing with Dr. Almeida your gross  
11 anatomy grade, you were taking four classes  
12 that summer 2005?

13 A. Yes.

14 Q. Did you have any issues  
15 concerning your grade in those classes?

16 A. Yes.

17 Q. Which class?

18 A. Pathology one.

19 Q. What was your grade in that  
20 course?

21 A. The final grade was a C.

22 Q. What did you believe it should  
23 be?

24 A. I believe it should have been a  
25 B also.

1 A. DASRATH

2 Q. Why is that?

3 A. That grade also I scored one  
4 hundred percent in one of the mid-terms.  
5 They withheld that grade when it was supposed  
6 to be given in August of 2005. And refused  
7 to give me the one hundred percent I scored  
8 in the mid-term exam.

9 Q. So, in August of 2005, you  
10 expected to receive your grade in pathology  
11 one class?

12 A. Yes.

13 Q. Did you receive a transcript at  
14 all?

15 A. Yes.

16 Q. Let me just back up.

17 Is the transcript the only way  
18 you receive grades or are they posted in some  
19 other way in these courses?

20 A. The transcript.

21 Q. In other words, when I went to  
22 college, you could look at a wall and they  
23 would post the grades?

24 A. Or some people do it by  
25 e-mail. I don't recall seeing posted grades

1 A. DASRATH

2 on the wall.

3 Q. And there is no way to access  
4 it electronically or otherwise?

5 A. I don't recall that.

6 Q. So, the first time you found  
7 out about your grade in pathology was in  
8 August of 2005?

9 A. Yes, pathology one.

10 Q. Pathology one, I'm sorry.  
11 What did you find out in August  
12 of 2005?

13 A. I received grades for the other  
14 three courses, but not pathology one.

15 Q. Did you call someone or talk to  
16 someone about this?

17 A. Yes.

18 Q. What was discussed? I'm  
19 sorry, who did you speak to?

20 A. Dr. Desalu.

21 Q. And Dr. Desalu, if you  
22 remember, was in charge of the grading center  
23 at the school; is that correct?

24 A. Yes.

25 Q. What did you say to Dr. Desalu?

1 A. DASRATH

2 A. I told him I didn't get my  
3 pathology one grade.

4 Q. You had your transcript mailed  
5 to you and you did not see a grade there?

6 A. Yes.

7 Q. What was there, if anything?

8 A. I don't recall. Maybe blank or  
9 something else. I don't recall what was  
10 there.

11 MS. McLAUGHLIN: Mark this  
12 document.

13 (Whereupon, the aforementioned  
14 transcript was marked as Defendant's  
15 Exhibit E for identification, as of  
16 this date, by the Reporter.)

17 Q. I ask you to take a look at  
18 what has been marked as Defendant's Exhibit  
19 E. It is hard to read because it is a copy.

20 It has your name on it and it  
21 is dated January 11th, 2006, 1/11/2006. It  
22 appears to be a transcript, but I will have  
23 you review it and explain to me what you  
24 understand it to mean.

25 A. Do you want me to just speak

1 A. DASRATH

2 about pathology one?

3 Q. What is this?

4 A. This is a transcript of my  
5 courses I did and the grades that I received.

6 Q. The date on the transcript, is  
7 that the date that you received it in or  
8 around that time?

9 A. I don't recall exactly when I  
10 received it, but I do see a date here that  
11 says 1/11/2006.

12 Q. In that document sixty percent  
13 of the way down it talks about pathology  
14 one?

15 A. Yes.

16 Q. Is that the course that we were  
17 just discussing, that same course?

18 A. Yes.

19 Q. It says grade I?

20 A. Yes.

21 Q. Was that what you saw on your  
22 transcript when you received it in August of  
23 2005?

24 A. Yes.

25 Q. What does I mean?

1 A. DASRATH

2 A. Incomplete.

3 Q. Did you find out from Dr.

4 Desalu when you approached him about this

5 marking as to why the course was marked

6 incomplete?

7 A. Yes.

8 Q. What did he tell you?

9 A. He told me he did not issue a  
10 grade because they were concerned about me  
11 scoring a hundred percent in the pathology  
12 one mid-term exam.

13 Q. Do you recall the component of  
14 this class. You remember there was a  
15 mid-term.

16 What other exams were there?

17 A. A final.

18 Q. And that was it?

19 A. A lab exam.

20 Q. A lab exam?

21 A. Yes.

22 Q. Do you know what you received  
23 on the final exam?

24 A. No.

25 Q. Did you ask at that time?



1 A. DASRATH

2 A. I asked why I didn't get a  
3 grade. He told me they were concerned that I  
4 scored one hundred percent in the pathology  
5 mid-term.

6 Q. Did you understand what his  
7 concern was?

8 A. His concern was he does not  
9 believe I scored one hundred percent.

10 Q. Who was the professor for  
11 pathology one?

12 A. I'm not sure. I think his name  
13 was -- I don't remember his name.

14 Q. Is it the professor that scores  
15 the exam or is it Dr. Desalu?

16 A. Dr. Desalu.

17 Q. So, he scores all exams for the  
18 medical school?

19 A. Yes.

20 Q. The professor administering the  
21 class does not do the grading?

22 A. Not to my knowledge, except in  
23 some parts, like problem based learning.

24 Q. After he told you he was  
25 concerned, where your one hundred percent on

1 A. DASRATH

2 the mid-term and that he didn't believe you  
3 to have received that, what was your  
4 response?

5 A. I was very disappointed.

6 Q. So, you took all required exams  
7 in this course?

8 A. Yes.

9 Q. And you met all requirements of  
10 pathology one?

11 A. Yes.

12 Q. And you received an incomplete,  
13 is that correct?

14 A. Yes.

15 Q. Was that grade ever, the  
16 incomplete ever changed to any other score?

17 A. Yes.

18 Q. When was that?

19 A. In December of 2005.

20 Q. What was it changed to?

21 A. C.

22 Q. So, from an incomplete to a C?

23 A. Yes.

24 Q. Do you know why?

25 A. I believe they felt like giving

1 A. DASRATH

2 me a C so they gave me a C.

3 Q. Did you retake the class?

4 A. No.

5 Q. Did you have any discussions  
6 after Dr. Desalu's meeting about your  
7 incomplete score?

8 A. There was no one to talk to.

9 Q. Did you file any sort of  
10 grievance or letter with the school  
11 concerning your grade other than your  
12 conversation with Dr. Desalu?

13 A. No. I was warned by Dr.  
14 Almeida to stay quiet.

15 Q. Did you talk to Dr. Almeida  
16 about this grade?

17 A. Yes.

18 Q. What did Dr. Almeida tell you  
19 about this?

20 A. He told me to be careful. They  
21 might kick me out by the time I get to  
22 Miami.

23 Q. When did you first notice that  
24 the grade was changed from an I to a C?

25 A. In December of 2005.

1 A. DASRATH

2 Q. Did you have to do anything in  
3 order to effectuate that change or it  
4 happened all of a sudden?

5 A. It happened by itself.

6 Q. You didn't have to complete any  
7 more course work?

8 A. No.

9 Q. The only reason to your  
10 knowledge it was marked incomplete was  
11 because of your score on the mid-term exam?

12 A. Yes.

13 Q. There were no other reasons  
14 told to you?

15 A. No other reason was told to  
16 me.

17 Q. This is semester four that you  
18 took pathology one, is that correct?

19 A. Yes.

20 Q. And did you have any issues  
21 with your other grades in those courses?

22 A. This was semester four, but it  
23 was the second to last semester.

24 Q. You're right, I'm sorry. This  
25 is semester four in the basic science

1 A. DASRATH

2 curriculum?

3 A. Semester three runs into  
4 semester four because remember I had to  
5 repeat the genetics.

6 Q. Did you have any other issues  
7 besides your pathology one grade during that  
8 semester?

9 A. Not that I recall.

10 Q. In this semester concluded in  
11 the summer of 2005, around August I  
12 presume?

13 A. Yes.

14 Q. At some point you received a  
15 final transcript?

16 A. Yes.

17 Q. Do you recall when classes  
18 ended that semester?

19 A. To the best of my recollection,  
20 maybe like the middle of August.

21 Q. When did you receive your final  
22 grade for that semester, semester four?

23 A. Sometime late August or early  
24 September.

25 Q. The only way you recall

1 A. DASRATH

2 receiving your grades was through a  
3 transcript mailed to you?

4 A. Yes.

5 Q. Did you request your grade  
6 prior to receiving the transcript?

7 A. They do it automatically.

8 Q. So, you didn't need to request  
9 them prior to receiving the transcript?

10 A. If you need to request you can  
11 also request.

12 Q. But, if you request it prior to  
13 the official transcript being received all of  
14 the grades might not be available at that  
15 time; am I correct?

16 A. The grades are available very  
17 shortly after the exam.

18 Q. You started presumably  
19 September of 2005.

20 A. Right.

21 Q. The fifth semester?

22 A. It should be the fourth  
23 semester, but it is the fifth semester for  
24 me.

25 Q. So, that's the last semester of

1 A. DASRATH

2 basic science?

3 A. Yes.

4 Q. What did you take that semester  
5 and since we have this marked, I will show  
6 you, if it helps, Defendant's Exhibit E?

7 A. I took pharmacology two,  
8 introduction to clinical medicine, pathology  
9 two, microbiology and immunology two.

10 Q. Did you have any concerns about  
11 the grades issued in those courses?

12 A. Yes.

13 Q. Which courses, if any?

14 A. Introduction to clinical  
15 medicine.

16 Q. And your concern about that  
17 grade?

18 A. An I was issued instead of a  
19 regular grade.

20 Q. During the time that you were  
21 completing your courses for the fifth  
22 semester, did you have any issues concerning  
23 your grade on the exams prior to receiving  
24 the incomplete?

25 A. No, nothing I can remember

1 A. DASRATH

2 about.

3 Q. And at some point you received  
4 your transcript for the fifth semester?

5 A. Yes.

6 Q. At that point was that the  
7 first time that you learned about the  
8 incomplete?

9 A. Yes.

10 Q. Did you approach anyone about  
11 the incomplete in the clinical medicine, is  
12 it?

13 A. Yes.

14 Q. Who did you approach?

15 A. I don't recall approaching  
16 anybody. I came off the island. I finished  
17 all the basic science courses.

18 Q. So, that is after your fifth  
19 semester. You would leave Dominica and come  
20 back to the United States, is that correct?

21 A. Yes.

22 Q. So, you already left after your  
23 final exam?

24 A. After the grade were issued. I  
25 did the final exams, but I came after the



1 A. DASRATH

2 final -- I came back home after the final  
3 exams.

4 Q. And that was sometime in August  
5 of 2005?

6 A. No, December of 2005.

7 Q. I'm sorry. And then you  
8 received your transcript at some point?

9 A. Yes.

10 Q. And you noticed the incomplete  
11 marking?

12 A. Yes.

13 Q. Did you call anyone concerning  
14 it?

15 A. I don't recall. I don't recall  
16 exactly what I did. It just bothered me a  
17 lot again. They had already warned me to  
18 stay quiet.

19 Q. Did you talk to anyone  
20 concerning the incomplete grade at any time?

21 A. I don't recall.

22 Q. When were you due to return for  
23 the sixth semester? Is it called sixth  
24 semester?

25 A. It's called fifth semester. In

1 A. DASRATH

2 January of 2006.

3 Q. You were home here in New York  
4 between December and January?

5 A. For about a week.

6 Q. Just a week?

7 A. A week or two.

8 Q. And during that time that you  
9 were home, did you have any conversation with  
10 anyone at Ross University concerning any of  
11 your grades?

12 A. I don't recall.

13 Q. And then you returned to  
14 Dominica in January of 2006?

15 A. No, I went to Miami.

16 Q. What were you reporting there  
17 for?

18 A. The AICM program.

19 Q. What is the AICM program?

20 A. The advanced introduction to  
21 clinical medicine.

22 Q. The other courses that you  
23 described in your first basic science  
24 curriculum you say were?

25 A. Yes.

1 A. DASRATH

2 Q. How did the AICM course  
3 differ?

4 A. It was similar to the other  
5 courses.

6 Q. Did you have one professor or  
7 more than one?

8 A. Several professors.

9 Q. When you reported in January of  
10 2006, who was the professor at the time?

11 A. One of them was Dr. Enrique  
12 Fernandez. One was Dr. Pete Gutterrez. One  
13 was Dr. Vivian Guttery. And there were a  
14 number of visiting professors. I don't  
15 recall their names.

16 Q. And was the course given at the  
17 school's location in Miami or in the  
18 hospital?

19 A. At the school's location.

20 Q. Was the course one semester  
21 only?

22 A. Yes.

23 Q. Did you take on any other  
24 courses at the same time?

25 A. There is only one course.

1 A. DASRATH

2 Q. What happened at that time with  
3 your incomplete with the pathology one  
4 course?

5 A. It was changed from an  
6 incomplete to a C.

7 Q. Before you started the AICM  
8 class?

9 A. Right around then. I don't  
10 recall the exact date.

11 Q. How did you find out it was  
12 changed to a C?

13 A. I received a transcript.

14 Q. The AICM course that you were  
15 taking, do you remember what your grades were  
16 based on?

17 A. It was based --

18 MR. COSTELLO: For the AICM?

19 Q. For the AICM.

20 A. Test.

21 Q. Test only or was there a  
22 practical portion of the course?

23 A. On many things. Plastic  
24 things that looks like human.

25 Q. You had taken the exams for the

1 A. DASRATH

2 AICM course?

3 A. Yes.

4 Q. Did you recall how many exams  
5 you had taken?

6 A. I recall five exams.

7 Q. And those were written exams?

8 A. Yeah.

9 Q. Scan trons only or all essay?

10 A. Scan trons.

11 Q. So, you had five scan tron  
12 exams?

13 A. Yes.

14 Q. Do you recall any essay  
15 exams? Any essay portion of the exams?

16 A. I don't recall essays.

17 Q. Then you said you would work on  
18 plastic bodies, did you say?

19 A. Yes.

20 Q. What part of the course was  
21 that? Was that the practical part of the  
22 course?

23 A. If you want to call it  
24 practical, yes, we worked on plastic bodies.

25 Q. How often did you do that?

1 A. DASRATH

2 A. We did that several times. I  
3 don't recall the number of times.

4 Q. And you were graded on that?

5 A. I don't recall.

6 Q. Do you know what your grade in  
7 the AICM course was comprised of?

8 A. I don't recall specifically how  
9 it was allocated.

10 Q. You don't know how the exams  
11 were allocated percentage-wise?

12 A. I don't know. I don't recall.

13 Q. Was one of the five exams a  
14 final exam?

15 A. I think they are all final  
16 exams because each one is for a different  
17 certification test.

18 Q. So, each exam related to a  
19 different certification?

20 A. Yes.

21 Q. Do you recall the five  
22 different certifications?

23 A. One of them was for the  
24 National Board of Medical Exam. One was from  
25 the American Heart Association. I think two

1 A. DASRATH

2 of them were from the American Heart  
3 Association. One of them was for family  
4 abuse.

5 And then there was a fifth  
6 one. I don't recall what it was called. I  
7 do have the certification. The  
8 certification papers I can look up.

9 Q. When you took these exams, you  
10 would receive a certification if you passed  
11 the exam?

12 A. Yeah.

13 Q. And you received all five  
14 certifications?

15 A. Yeah.

16 Q. Was there anything else your  
17 grade was based on besides the fifth  
18 certification exams?

19 A. I'm not sure.

20 Q. Was there a clinical portion of  
21 the class?

22 A. I don't believe the clinical,  
23 there were some hospital visitation, but I  
24 don't believe they were worth points. Not to  
25 my knowledge.

1 A. DASRATH

2 Q. How often did you do the  
3 hospital visitation?

4 A. A few times.

5 Q. More than once?

6 A. Yeah.

7 Q. More than ten?

8 A. I don't think so. Maybe three,  
9 four.

10 Q. What did you do during hospital  
11 visitation?

12 A. You visit and watch what the  
13 doctors were doing. They just walk you  
14 around.

15 Q. That was separate from working  
16 on the plastic body?

17 A. Yes.

18 Q. Working on the plastic body,  
19 was that graded?

20 A. It was part of a certification  
21 exam, but I don't know how they  
22 incorporated. I do not know that.

23 Q. You took five exams at separate  
24 times during the semester?

25 A. Yes.



1 A. DASRATH

2 Q. So, they weren't all given at  
3 once?

4 A. No.

5 Q. Was there a final exam after  
6 the certification?

7 A. There was a final exam.

8 Q. Do you know which one it was?

9 A. I believe it was the national.  
10 It may have been -- I'm not sure.

11 Q. Do you recall when the last day  
12 of class was?

13 A. April 7th, 2006.

14 Q. When did you receive your final  
15 grade in that course, the AICM course?

16 A. In August the 14th, 2006.

17 Q. What was that grade?

18 A. F.

19 MS. McLAUGHLIN: Off the  
20 record.

21 (Whereupon, a short recess was  
22 taken.)

23 MS. McLAUGHLIN: Back on the  
24 record.

25 Q. When you received your

1 A. DASRATH

2 transcript in August of 2006, was that the  
3 first time that you learned of your failing  
4 grade in your AICM course?

5 A. That is the first time I  
6 learned official grade failing the AICM  
7 course.

8 Q. What do you mean official?

9 A. It was in the transcript.

10 Q. Did you learn of the failing  
11 grade unofficially?

12 A. There was conversation -- yes,  
13 unofficially, yeah.

14 Q. How did you learn of your  
15 failing grade in the AICM course?

16 A. At first I managed to sign onto  
17 one of Dr. Fernandez' web sites.

18 Q. Had you ever accessed your  
19 grade prior to this time by the web site  
20 provided by Ross?

21 A. No.

22 Q. This was the first time you  
23 accessed your grade via a web site, correct?

24 A. Yes.

25 Q. Do you recall when that was?

1 A. DASRATH

2 A. That may have been late April  
3 2006.

4 Q. What was the name of the web  
5 site, if you recall?

6 A. Devryu.net.

7 Q. How do you get access to  
8 that? Is it by password?

9 A. When you go to Miami they give  
10 you that access.

11 Q. Had you been able to access  
12 this before to view your grades prior to that  
13 date?

14 A. No.

15 Q. Was this the first time that  
16 you accessed your grade?

17 A. Yeah.

18 Q. Were you told that your grades  
19 were available or did you just happen to  
20 access the site and found out about the  
21 grade?

22 A. Among friends. We talked.

23 Q. Other than friends talking, you  
24 didn't receive notification that grades were  
25 available?

1 A. DASRATH

2 A. No.

3 Q. So, after --

4 A. I'm not sure if it was just  
5 friends, but to the best of my knowledge  
6 that's how I came up with this idea of  
7 getting on this web site.

8 Q. So, when you access the web  
9 site what do you see?

10 A. I saw that an F was posted for  
11 me.

12 Q. Was there any break down of the  
13 grade or it just has the course name and the  
14 grade?

15 A. I don't recall everything I  
16 saw, I just saw the course name and an F.

17 Q. Did you maintain a copy of what  
18 you saw on the web site?

19 A. The web site somehow does not  
20 allow to print. I couldn't printout  
21 anything.

22 Q. When you saw the failing grade  
23 in the course, what did you do?

24 A. I attempted to contact Dr.  
25 Fernandez.

1 A. DASRATH

2 Q. At this time, are you in Miami  
3 still in April of 2006 or are you back in New  
4 York?

5 A. I'm back in New York.

6 Q. When did classes end, I'm sorry  
7 you, said April 7th, 2006?

8 A. Yes.

9 Q. And then you left immediately  
10 after for New York?

11 A. Yes.

12 Q. How did you try to contact Dr.  
13 Fernandez?

14 A. By phone.

15 Q. And did you get a response?

16 A. Not immediately. Eventually I  
17 did get a response from Dr. Fernandez.

18 Q. Was that by phone or in person?

19 A. By phone.

20 Q. Do you recall when that was?

21 A. Maybe late April or early May  
22 2006.

23 Q. And what did he say to you in  
24 that conversation? Was it with Dr.  
25 Fernandez?

1 A. DASRATH

2 A. Yes.

3 Q. Were there any other deans on  
4 the phone?

5 A. I only spoke to Dr. Fernandez.

6 Q. What did you say to him and  
7 what did he say to you during that  
8 conversation?

9 A. I told him to please look into  
10 the grade, something might be wrong.

11 Q. What made you believe that  
12 something might be wrong?

13 A. I didn't have any failing part  
14 to my course.

15 Q. So, you explained you took five  
16 exams?

17 A. Yes.

18 Q. And as far as you know you  
19 didn't fail any of those exams?

20 A. No.

21 Q. Were there any other parts of  
22 the course that were graded?

23 A. I'm not sure what else were  
24 graded. I don't have proof of any other  
25 things that were graded. I have proof of

1 A. DASRATH

2 those five parts.

3 Q. You do have proof of those five  
4 parts because you have a certification?

5 A. Yes.

6 Q. What is clinical clerkship?

7 A. A clinical clerkship is  
8 something that starts after you pass the  
9 USMAL step I.

10 Q. There is no clinical clerkship  
11 that starts during the AICM course?

12 A. No.

13 Q. There is no clinical clerkship  
14 in the AICM class?

15 A. You have to first pass your  
16 USMAL step I otherwise you are not authorized  
17 to do clinical stuff on live patients.

18 Q. You told them to look into the  
19 grade, something might be wrong and what did  
20 he respond? How did he respond?

21 A. He responded aggressively. He  
22 doesn't like to be told he's wrong.

23 Q. What did he say to you exactly?

24 A. He told me no.

25 Q. And that was it?

1 A. DASRATH

2 A. I don't recall the exact  
3 conversation. But, from what I gathered he  
4 says no.

5 Q. He said no, the grade is not  
6 wrong?

7 A. Something to that effect, yes.

8 Q. Is that the end of your  
9 conversation?

10 A. Yes.

11 Q. Did you have any other further  
12 conversations with him?

13 A. I don't recall any other  
14 conversations.

15 Q. It was just one phone call as  
16 far as now?

17 A. Yes.

18 Q. Did you have any conversations  
19 with anyone else at Ross about your score for  
20 the AICM course?

21 A. Yes.

22 Q. Who was that with?

23 A. Dr. Nancy Perri.

24 Q. When did you speak to Dr.  
25 Perri?



1 A. DASRATH

2 A. It might be late April or early  
3 May. Soon after speaking to Dr. Fernandez.

4 Q. How did you speak to her  
5 face-to-face or by phone?

6 A. By phone.

7 Q. And she called you or you  
8 called her?

9 A. I called her.

10 Q. What did you say to her?

11 A. I told her something is wrong  
12 with the AICM course. If she could look  
13 into it.

14 Q. How did she respond?

15 A. She said yes, she will look  
16 into it.

17 Q. Is that the first time that you  
18 spoke to Dr. Perri during your time at Ross  
19 University?

20 A. Yes.

21 Q. And why did you call Dr.  
22 Perri?

23 A. Because Dr. Perri is Dr.  
24 Fernandez' boss.

25 Q. Was that the end of your

1 A. DASRATH

2 conversation, she said she will look into it  
3 and get back to you?

4 A. Yes.

5 Q. Did you have any further  
6 conversations with her?

7 A. I tried a number of times to  
8 speak to her again.

9 Q. And how did you try, by e-mail  
10 or by phone?

11 A. I tried by phone at first and  
12 then by e-mail.

13 Q. Did you ever reach her on the  
14 phone or by e-mail?

15 A. On the phone I heard somebody  
16 in the background with the voice I think was  
17 hers. But she has a secretary called Judy.  
18 Judy answered the phone.

19 I hear Judy will call to her  
20 that Dr. Perri and Anand Dasrath is on the  
21 phone again and I heard a voice stimulating  
22 her saying tell him I'm in Dominica. That  
23 happened a few times.

24 Q. Did you eventually speak to her  
25 again after that first conversation?

1 A. DASRATH

2 A. No.

3 Q. Did you communicate with her  
4 through e-mail after that first  
5 conversation?

6 A. Yes.

7 Q. What were the e-mails  
8 regarding?

9 A. The same thing. I sent her a  
10 reminder e-mail telling her there is still a  
11 problem with my AICM course. If she could  
12 look into it.

13 Q. Did she get back to you?

14 A. She replied, yes.

15 Q. What did she say?

16 A. That she will look into it  
17 again she said she was in Dominica. She  
18 always says she is in Dominica regardless. I  
19 spoke to other students and that is what she  
20 tells the other students if any of them have  
21 a problem, that she is in Dominica.

22 Q. What other students told you  
23 that?

24 A. Other friends that I took with  
25 the class.

1 A. DASRATH

2 Q. Do you know their names?

3 A. Yeah, one of them was Bahar.

4 Q. That is the first name or last  
5 name?

6 A. That is his first name. I  
7 don't recall his last name.

8 Q. Did anyone else tell you that  
9 said she's in Dominica when she call?

10 A. Yes, Anish.

11 Q. First name or last name?

12 A. That, is the first name.

13 Q. Do you know the last name?

14 A. I don't remember the last  
15 name.

16 Q. Anyone else?

17 A. And they told me they heard  
18 other people saying the same thing.

19 MS. McLAUGHLIN: Can we mark  
20 this document, please.

21 (Whereupon, the aforementioned  
22 e-mail was marked as Defendant's  
23 Exhibit F for identification, as of  
24 this date, by the Reporter.)

25 Q. I ask you to take a look at

1 A. DASRATH

2 this.

3 A. Yes.

4 MS. McLAUGHLIN: I'm showing  
5 the witness Defendant's Exhibit F. It  
6 appears to be an e-mail from Dr.  
7 Fernandez to plaintiff, dated April  
8 23rd, 2006 regarding course grades  
9 posted. AICM 62.

10 Q. Have you reviewed the document?

11 A. I don't see AICM 62.

12 Q. I don't know if that means  
13 anything. It just says AICM 62.

14 I was going to ask you if that  
15 meant something?

16 A. I know what AICM means, but I  
17 don't know what 62 means.

18 Q. Have you ever seen this  
19 e-mail?

20 A. Yes.

21 Q. Going from the bottom up. It  
22 says Dr. Fernandez and it shows his e-mail  
23 address, AICM class grades are posted on  
24 e-college.

25 Is e-college the web site that

1 A. DASRATH

2 we talked about earlier that you logged  
3 into?

4 A. No.

5 Q. It is something different?

6 A. I don't know what is  
7 e-college.

8 Q. Grade breakdowns will be  
9 available by e-mail request starting Monday.  
10 Did you make a request for  
11 grade breakdowns?

12 A. I didn't send any request for  
13 grade breakdowns.

14 Q. So, you logged into a web site  
15 that is not e-college, to your knowledge, it  
16 is something different?

17 A. I don't know something called  
18 e-college.

19 Q. Did you see your grade and then  
20 write this e-mail to Dr. Fernandez that is  
21 above what we were just discussing?

22 A. Yes.

23 Q. The e-mail above is from Mr.  
24 Dasrath to Dr. Fernandez and it is dated  
25 April 22nd, 2006; is that correct?